

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Business Meeting held September 19, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:37 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer; Donna Speakman, Finance Director; Ron Lucas, Stevens and Lee; Michel LaCesa, Sheetz, Inc.; Aaron Navarro, J. Michael Brill and Associates, Inc.; and Greg Creasey, Grove Miller Engineering, Inc.

**Pledge of Allegiance**

Mr. Hornung led the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the August 15, 2006 business meeting, and the August 22, 2006 special workshop meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. Jeremiah Underhill, 224 Beacon Drive, requested the Board of Supervisors to modify the traffic signal located at Colonial Road/Devonshire Road/Crums Mill Road to incorporate a left-turn-green arrow for that intersection. He noted that the north/south lanes have arrows, but there are none for the east/west traffic lanes. Mr. Hawk noted that he would request a traffic study and then present the information to PENNDOT. Mr. Wolfe noted that the intersection has been in discussion for many years, and some funds have been provided by Triple Crown

Corporation, Bisys' and The Shoppes at Colonial Road. He noted that some funding is in place, and an additional traffic impact study has been completed for the Stray Winds Farm development. He noted that the intersection is substandard for the turning lanes and modifications need to be made. He noted that it is not possible to provide a dedicate left-turn without providing an additional turning lane and there is no right-of-way for additional land to do this. He noted that the Township is geographically limited at that location without incurring significant expense to purchase additional land. He noted that there are no current plans to move forward with any improvements at this time. Mr. Wolfe accepted a copy of Mr. Underhill's proposal and noted that the Board members would receive a copy of it.

#### **Chairman and Board Member's Comments**

No comments were presented by Board members.

#### **Manager's Report**

Mr. Wolfe noted that with the change of season, the leaf collection program provided by the Public Works Department will start the first week of November. He noted that leaves must be raked to the curbside in order to use the vacuum equipment. He noted that a schedule will be available before the collection process begins. He stated, in addition to this service, the Township provides for bi-weekly curbside collection program of all leaf waste material at a cost of \$66 per year. He noted that it provides for an unlimited collection of leaf waste material which includes leaves, yard and garden debris, but not grass which is part of the regular trash pick up.

Mr. Wolfe noted that open burning is not permitted in the Township. Residents are not permitted to burn trash or recyclable materials.

## **Old Business**

### Resolution 2006-37; Indicating the Township's desire to join the Susquehanna Municipal Trust and participate in the Trust's Workers Compensation Insurance Program

Mr. Wolfe explained that the Susquehanna Municipal Trust (SMT) is a pooling of approximately 25 municipalities from Lancaster and surrounding counties to secure reduced rates for Workers Compensation costs. He noted that SMT has estimated that the Township's costs will be reduced by approximately 24% over the current cost provided by the private insurance market. He noted that SMT also provides a detailed safety program to its participants and an extremely comprehensive claims management service. Mr. Wolfe noted that he spoke with other participants in the Trust and was told that they are very satisfied with the services provided. He noted that the administrator for the SMT is also the same administrator for the Township's Capital Region Insurance Trust (CRIT). He noted that CRIT is primarily centered in Dauphin County, and the administrator for CRIT is Benecon. He noted that the Township has been very satisfied with Benecon's service.

Mr. Crissman made a motion to approve Resolution 2006-37 authorizing the participation in the Susquehanna Municipal Trust for the procurement of Workers Compensation Insurance Program. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

## **New Business**

### Conditional Use 06-02; Application from Sheetz, Inc. to permit gasoline dispensing and storage facilities in conjunction with a proposed convenience store at 6290 Allentown Boulevard

Mr. Hawk noted that the proposed location for the Sheetz store would be the current site of the Geo's Family Restaurant.

Ms. Wissler noted that the application for the Conditional Use Permit would allow the construction of a Sheetz Convenience Store with gasoline pumps and a stand-alone carwash at

6290 Allentown Boulevard. The property consists of 5.3 acres, and was zoned C-1 General Commercial. She noted that this application was received prior to the adoption of the new Zoning Ordinance. She noted that Article 1193.05 and 1193.06 for General Use and Performance Standards, and Article 1193.07 (d) which lists the specific standards for Gasoline Service Stations are covered by this application.

Ms. Wissler noted that the supporting information was provided to Board members in their packets, and that the Planning Commission reviewed the application at their September 13, 2006 meeting and recommended approval of the application.

Ms. Wissler noted that proper notices were sent to all surrounding property owners and advertisements were made in The Patriot News on Monday, September 4<sup>th</sup>, and Monday, September 11, 2006.

Mr. Stine noted that this would be the appropriate time and place to conduct a public hearing on Conditional Use 2006-02; an application from Sheetz, Inc. to permit gasoline dispensing and storage facilities in conjunction with a proposed convenience store at 6290 Allentown Boulevard.

Mr. Stine asked Mr. Lucas how many witnesses would be making testimony. Mr. Lucas answered that there would be three witnesses. The following three witnesses were sworn in by the court stenographer: Mr. Michael LaCesa, Regional Director of Real Estate for Sheetz, Inc; Aaron Navarro, J. Michel Brill and Associates, Project Manager; and Greg Creasey, Grove Miller Engineering, Inc., Traffic Study Engineer.

Mr. LaCesa explained that Sheetz, Inc. plans to develop the front 2½ acres of the property, razing the existing restaurant and motel and building a convenience store with gasoline pumps and a car wash. He noted that the convenience store is approximately 4,997 square feet, with seven gas pumps facing Route 22, and a stand-alone car wash that is approximately 836

square feet. He noted that full-access to the property will be located at Blue Ribbon Avenue as well as right-in and right-out access to Route 22. He noted that seven pumps will dispense gasoline to 14 vehicles at one time. In addition, it was noted that the store will be a 24-hour operation with no inside seating, but some seasonal outside seating will be provided.

Mr. LaCesa noted that he has conducted several meetings with property owners, as well as a meeting with PENNDOT. He noted that the initial studies show that a right turn lane will be needed on North Blue Ribbon Avenue from the driveway to the intersection with Route 22. In addition, a widening for the shoulder of Route 22 is required to provide a deceleration lane for traffic entering the store.

Mr. Hawk questioned if some changes have been incorporated into the design for the building. Mr. LaCesa answered that in recent years, Sheetz has built all-brick buildings, and the canopy look has changed to only cover the pump islands. He noted that the lot will be concrete, all lighting will be directed down from the canopy, and perimeter lighting will be directed inward. Mr. LaCesa displayed a sketch of the entire project. He noted that the carwash is a touch-less car wash modular building that will be brought on site. He explained that a person would pay for the carwash at the pump, drive to the car wash, and stay in the vehicle while it is washed.

Mr. Lucas questioned if the site plan pointed out is also part of the original application? Mr. LaCesa answered yes it was.

Mr. Lucas questioned if it was a corner lot? Mr. LaCesa answered that was correct.

Mr. Lucas questioned if the lot meets the frontage requirements for the subsection for a convenience store? Mr. LaCesa answered yes.

Mr. Lucas questioned if the dispensing or storage facilities are located within 500 feet from any residential district, school or church building? Mr. LaCesa answered, no they are not.

Mr. Lucas questioned if an aerial photograph was provided with the application to show this? Mr. LaCesa answered it was.

Mr. Lucas questioned if the property would be served by public sewer and public water? Mr. LaCesa answered yes.

Mr. Lucas noted that the property does not abut a property with a residential dwelling, is that correct? Mr. LaCesa answered correct.

Mr. Lucas questioned if the size of the lot is over one acre? Mr. LaCesa answered that it is.

Mr. Lucas questioned if the impervious coverage is below sixty percent? Mr. LaCesa answered it is.

Mr. Lucas questioned, as part of the operation, would unlicensed vehicles be stored outdoors? Mr. LaCesa answered they would not.

Mr. Lucas questioned if vehicle parts would be stored outdoors? Mr. LaCesa answered they would not.

Mr. Lucas noted that the outdoor lighting would be directed downward. He requested Mr. LaCesa to explain the lighting from the canopy. Mr. LaCesa explained that the lighting is flush mounted so the light projects down and not out. This is the same for the perimeter lighting.

Mr. Lucas questioned if the light from the perimeter of the lot would be shielded from the adjoining abutting properties. Mr. LaCesa answered that it is his goal not to have any light directed off the property.

Mr. Lucas noted that the fuel dispensing facilities under the canopy will be greater than 60 feet from the side or rear property? Mr. LaCesa answered that they will.

Mr. Lucas questioned if landscaping will be on side and rear property lines that will comply with the ordinances. Mr. LaCesa answered yes, as part of the land development plan.

Mr. Lucas noted that the general standards for a Conditional Use talk about whether the use will cause a substantial undue adverse affect on the adjacent properties or the character of the neighborhood. He questioned if there are commercial properties across the street? Mr. LaCesa answered yes. Mr. Lucas questioned if there were commercial properties to the east, a business park? Mr. LaCesa answered yes. Mr. Lucas noted that a Harley Davidson Dealership is located across North Blue Ribbon Avenue? Mr. LaCesa answered yes.

Mr. Lucas noted that adjacent to the property is the Holy Name of Jesus property, correct? Mr. LaCesa answered correct.

Mr. Lucas questioned if Mr. LaCesa has met with Msgr. Lawrence and Mr. Les Zimmerman, the Director of Buildings and Properties for the Diocese of Harrisburg? Mr. LaCesa answered that he has.

Mr. Lucas questioned if he showed the plan to both persons and provided a copy of the plan to them? Mr. LaCesa answered that he met with Msgr. Lawrence two times, and he met Mr. Zimmerman today and discussed the site plan, and every aspect of the plan.

Mr. Lucas questioned if he reviewed the aerial photograph showing the 500-foot distance? Mr. LaCesa answered yes.

Mr. Lucas questioned if he discussed with Msgr. Lawrence and Mr. Zimmerman the sidewalk that would be built along Allentown Boulevard? Mr. LaCesa answered that he did, and discussed the possibility of students coming from the property onto this property and how it would happen. He noted that the reaction that was received from Msgr. Lawrence was that he did not want to promote access for the students.

Mr. Lucas questioned if the school was kindergarten through eighth grade? Mr. LaCesa answered that was correct.

Mr. Lucas questioned if any students walk to school? Mr. LaCesa answered that Msgr. Lawrence thought about it and stated that he does not know of one child who walks to school. He noted that they are bused-in or dropped-off by parents and picked up in the same manner.

Mr. Lucas noted that the children are not permitted to roam the property during the day. Mr. LaCesa answered that the children get in trouble if they leave the campus.

Mr. Lucas noted that the football field is used for football practice, and he questioned how the players arrive? Mr. LaCesa answered that the players usually arrive with their parents and are picked up by their parents. For the football games, Bishop McDevitt High School buses their players to the football game. Mr. Lucas questioned if it was the same for the opposing teams. Mr. LaCesa answered that was correct.

Mr. Lucas questioned if Msgr. Lawrence made any comments regarding access to the Sheetz during the football games? Mr. LaCesa answered that Msgr. Lawrence would prefer that they would buy their hot dogs at his concession stand.

Mr. Lucas noted that the sidewalks would be along the property line and Msgr. Lawrence did not desire a sidewalk further back to promote a direct connection? Mr. LaCesa answered that was correct. He noted that Msgr. Lawrence stated that he would prefer it to be built as it is shown on the plan.

Mr. Lucas noted that there are two conditional uses for the convenience store with gasoline pumps and the car wash, and he questioned if there are fire protection devices for such a facility? Mr. LaCesa answered yes, there are.

Mr. Lucas questioned if Mr. LaCesa complies with all state and federal regulations for dispensing facilities and storage tanks? Mr. LaCesa answered that he does.

Mr. Lucas questioned if there is anything about the operation that would cause electrical disturbances on adjoining properties? Mr. LaCesa answered no.



Mr. Lucas questioned if there were any objectionable noises generated by this operation?

Mr. LaCesa answered no.

Mr. Lucas questioned if there would be vibrations generated by the operation? Mr.

LaCesa answered no.

Mr. Lucas questioned if there would be odors generated by the property to adjoining properties? Mr. LaCesa answered no.

Mr. Lucas questioned if there would be any air pollution generated by the property?

Mr. LaCesa answered no.

Mr. Lucas questioned if there is any glare that is directed onto adjoining properties or roadways from the operation? Mr. LaCesa answered no.

Mr. Lucas questioned if there was soil or water erosion as a result of the development of the property? Mr. LaCesa answered no.

Mr. Lucas questioned if there would be any impact on private or public water supply from the operation, in other words, would you be using public water? Mr. LaCesa answered that he would.

Mr. Lucas questioned if everything was done for the operation to prevent anything from, for example, gasoline to get into the ground water? Mr. LaCesa answered yes.

Mr. Lucas noted that the property is not in a residential zone or abuts a residential or PRD District, correct? Mr. LaCesa answered correct.

Mr. Lucas questioned Mr. Navarro if he was responsible for the sketch plan that was submitted with the application? Mr. Navarro answered yes.

Mr. Lucas noted that Mr. Navarro heard Mr. LaCesa answer the questions on specific site issues and if he agreed with the statements or needed to correct anything? Mr. Navarro noted that the difference is for the lot coverage, he noted that the lot coverage on the original

submission is a little different from what is actually shown on the plan. He explained that he had to modify some of the entrances around the car wash to have it meet the current ordinances. He noted that the plan still falls well under the 60% lot requirement.

Mr. Lucas questioned if the sketch plan meets the specific criteria for this conditional use? Mr. Navarro answered yes.

Mr. Lucas questioned if there was anything about the general use, as far as the impact on adjacent properties, character of the neighborhood, public improvements, or right-of-way that would adversely affect those properties or affect the public health, safety or welfare? Mr. Navarro answered no.

Mr. Lucas noted that the details of the site plan will be more specific during the land development process, correct? Mr. Navarro answered that is correct.

Mr. Lucas questioned if the plan could meet all the requirements for the land development plan? Mr. Navarro answered yes.

Mr. Lucas questioned Mr. Creasey if he has drafted a traffic study which has been completed? Mr. Creasey answered that is correct.

Mr. Lucas questioned if the study would be submitted as part of the land development application? Mr. Creasey answered that is correct.

Mr. Lucas questioned if Mr. LaCesa was accurate as far as the traffic improvements? Mr. Creasey answered that he was accurate.

Mr. Lucas questioned if Mr. Creasey found any other impact from the traffic to be generated that would require a mitigation of any other factor? Mr. Creasey answered no he did not.

Mr. Lucas questioned if the proposed improvements, as a result of the traffic study, would alleviate any impact from this use or whether there is anything else that would cause a

substantial impact on adjoining properties from the traffic. Mr. Creasey answered that the improvements do mitigate the impact from the traffic from the Sheetz store.

Mr. Lucas questioned Mr. Creasey where he anticipated most of the traffic to come from? Mr. Creasey answered that the majority of the traffic would enter and exit through the full access driveway at Blue Ribbon Avenue.

Mr. Lucas questioned if the traffic would be primarily coming off of Allentown Boulevard? Mr. Creasey answered that is correct.

Mr. Stine questioned if any Board members had any questions for the applicant or witnesses. With no response, Mr. Stine questioned if anyone in the audience wanted to make comment regarding the application. Mr. Stine questioned Mr. Lucas if he has anything more to add. Mr. Lucas answered that he did not. Mr. Stine noted that it would be in order to close the hearing on Conditional Use 2006-02.

Mr. Crissman wanted to thank Mr. Lucas for talking with Msgr. Lawrence. In addition, he noted that Mr. Lucas commented that the plan is pro-active in regards to fire protection that would occur on the site. He noted that he did have a problem with the gasoline dispensing and storage tanks in close proximity to an educational institution.

Mr. Blain made a motion to approved Conditional Use 2006-02, the application from Sheetz, Inc. to permit gasoline dispensing and storage facilities in conjunction with the proposed convenience store at 6290 Allentown Boulevard. Mr. Seeds seconded the motion.

Mr. Lucas noted that the application also includes a car wash, which is a second conditional use. Mr. Blain noted that his motion did not include the car wash. Mr. Stine noted that the car wash is not mentioned on the agenda. Mr. Lucas noted that it is in the narrative application. Mr. Stine questioned how it was advertised. Ms. Wissler answered that the Conditional Use was advertised as a gasoline dispensing facility and stand-alone car wash.

Mr. Blain noted that he amended his motion to include the stand-alone car wash. Mr. Seeds seconded the amended motion. Mr. Hawk called for a roll call vote on the amendment to the motion: Mr. Blain, aye; Mr. Crissman, nay; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hawk called for a roll call vote on the original motion which includes the amendment: Mr. Blain, aye; Mr. Crissman, nay; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Action on a recommendation from the Greenway Committee to select a  
consultant to perform a Greenway plan

Mr. Hawk noted that the Department of Conservation and Natural Resources has provided a matching grant of \$25,000 to fund the hiring of a consultant to perform a Greenway plan. He noted that the Greenway and Parks and Recreation Committees recommend the hiring of Simone Collins to perform the work at a cost not to exceed \$50,000. Mr. Wolfe noted that the recommendation is complete for Board action.

Mr. Crissman made a motion to hire Simone Collins to serve as a consultant to perform a Greenway plan with the cost not to exceed \$50,000.00. Mr. Blain seconded the motion. Mr. Blain noted that it is important to know that of the \$50,000, half of it will be funded by a grant. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 06-35; Accepting the 2007 Minimum Municipal Obligation for the  
police and non-uniformed employee pension plans

Mr. Wolfe noted that Pennsylvania Act 205 requires the Supervisors to take action to provide the Minimum Municipal Obligation (MMO) for its two employee pension plans at this time every year. He noted that the new MMO for the police pension plan is \$441,506, and the

MMO for the non-uniformed pension plan is \$437,782. He noted that these would be for the 2007 fiscal year, and would be included in the 2007 year fiscal budget. He noted that the MMO is funded in part through Pennsylvania Act 205 State Aid that the Township receives in October of each year.

Mr. Blain questioned what the MMO was for last year's fund. Mr. Wolfe answered that he did not have those figures in front of him. Mr. Wolfe noted that there is a slight increase from last year's totals.

Mr. Crissman made a motion to approve Resolution 2006-35 accepting the 2007 Minimum Municipal Obligation for the police and non-uniformed employee pension plans as present by Mr. Wolfe. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

#### Resolution 2006-36; rescinding the Planning Module for Wal-Mart

Mr. Wolfe explained that Wal-Mart officially withdrew their plan from consideration for development and as such this resolution would transmit the withdrawal to the Department of Environmental Protection to allow them to amend the Township's official sewage facilities plan and to remove the allocation of plan flow to the sanitary sewer system for Wal-Mart. He noted that this would free up the flow for use by other developments within the community.

Mr. Crissman made a motion to approve Resolution 2006-36 rescinding the planning module for Wal-Mart. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there are six Improvement Guarantees.

#### Chelsey Park

A release of a letter of credit with Farmers First Bank in the amount of \$1,463.00.

Homza Chiropractic Center

A release of a letter of credit with Citizen's Bank in the amount of \$1,155.00.

Homza Chiropractic Center

A new escrow account with Lower Paxton Township in the amount of \$1,155.00 with an expiration date of September 19, 2007.

Tuscan Villas at the Estates of Forest Hills

An extension and increase of a letter of credit with Pennsylvania State Bank in the amount of \$264,309.98 with an expiration date of October 31, 2007.

Maiden Creek

A reduction and extension in a letter of credit with Fulton Bank in the amount of \$73,741.80 with an expiration date of October 16, 2007.

Hawthorne Suites

An extension and increase in a letter of credit with M&T Bank in the amount of \$81,315.34 with an expiration date of October 18, 2007.

Mr. Crissman made a motion to approve the six listed Improvement Guarantees as presented. Mr. Blain seconded the motion, and a unanimous voice followed.

**Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting.  
The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman  
Township Secretary